United Nations CAC/COSP/IRG/2018/L.1/Add.10

Conference of the States Parties to the United Nations Convention against Corruption

Distr.: Limited
5 September 2018

Original: English

Implementation Review Group
First resumed ninth session
Vienna, 3–5 September 2018

Draft report of the Implementation Review Group on its first resumed ninth session, held in Vienna from 3–5 September 2018

Addendum

IV. Review of implementation of the United Nations Convention against Corruption

A. Drawing of lots

1. In the first review cycle, the Group drew lots for the reviewing States for Chad, which acceded to the Convention after the drawing of lots conducted at the ninth session of the Group, held from 4 to 6 June 2018, and Equatorial Guinea, for which the Convention had entered into force after the drawing of lots conducted at the ninth session of the Group. Congo and Niue were drawn as reviewing States for Chad. Guinea-Bissau and Chad were drawn as reviewing States for Equatorial Guinea. In the second review cycle, Dominica was drawn as the other reviewer for Saint Lucia. Provisional redraws were carried out in cases in which reviewing States could defer acting as reviewers in accordance with the terms of reference of the Mechanism and could not be reached for immediate confirmation of their readiness to conduct the reviews.

B. Second cycle: trends in reviews

2. A representative of the secretariat briefed the Group on the latest trends in the thematic findings emerging from the completed reviews of the second cycle, building on the thematic reports on the implementation of chapters II and V of the Convention that had been prepared for the ninth session of the Implementation Review Group (CAC/COSP/IRG/2018/6, CAC/COSP/IRG/2018/5) and taking into account country reviews that had been completed since the drafting of the thematic reports. In accordance with the thematic focus of the session, the presentation focused on trends and findings identified in the implementation of chapter II (Preventive measures) of the Convention.

3. The secretariat informed the Group that five additional executive summaries had been finalized since the June session of the Group, bringing the overall number of completed reviews to 11. Despite almost doubling the number of completed reviews,

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the overall trends identified previously had remained consistent, although some new nuances had emerged. In terms of the number of recommendations issued, challenges were most often encountered with respect to the Public sector (article 7 of the Convention), Codes of conduct for public officials (article 8) and the Private sector (article 12). The speaker highlighted that compared with the last update to this Group, challenges were more frequently identified in respect of codes of conduct for public officials (article 8) than in regards to public procurement and the management of public finances (article 9), although article 9, together with measures to prevent money-laundering (article 14) continued to receive a high number of recommendations. The highest number of good practices identified was in the participation of society in anti-corruption efforts (article 13 of the Convention). Many country reviews highlighted the important role played by civil society in governmental decision-making processes. Article 5 on preventive anti-corruption policies and practices was another article for which a high number of good practices were identified, including for the strong involvement of society in the establishment of national strategies and policies and a broad range of activities and measures taken by States parties to prevent corruption.

4. In regards to the first review cycle, the speaker updated the Group on the ongoing work to develop a *Set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention* (CAC/COSP/2017/5). The relevant paper had been prepared for the 8th session of the Group and submitted to the Conference (CAC/COSP/2017/5) on the basis of Conference resolution 6/1. Based on the positive feedback received from States parties in their written submissions and during the 8th session of the Group, the speaker noted that the secretariat will again circulate the paper for written comments after the session. The paper will also be made available for further discussion during the second resumed session of the Group in November, which has on its agenda the topics of criminalization, law enforcement and international cooperation, with a view to the eventual submission of the paper to the Conference, in accordance with para. 11 of Resolution 6/1.

5. In the ensuing discussion, speakers expressed appreciation for the thematic analysis on the outcome of the second review cycle and encouraged the secretariat to continue to update the reports as more country reviews are completed. Speakers recognized that the thematic reports helped States to prepare or benchmark reviews and to assess progress, taking into account experiences, good practices, challenges and lessons learned by other States. In this context, some speakers expressed appreciation for the analytical value of the good practices highlighted in the reports and encouraged the secretariat to continue to compile and make available meaningful and detailed information on good practices identified in the second review cycle for future sessions of the Group. One speaker noted the distinction between recommendations issued under mandatory and non-mandatory provisions of the Convention and encouraged reviewers to take this into account in formulating recommendations.

6. Regarding preventive measures, several speakers underscored the importance of political will, which had been translated into various legislative, institutional and policy-related measures and initiatives (including in some cases through provisions in the national constitutions), both in preparation for and following the reviews. For example, a number of speakers reported on the development of national anti-corruption policies and strategies that had been prepared through extensive consultations with public and non-public stakeholders across a wide range of sectors. The benefits of awareness-raising and dissemination of such information was highlighted. One speaker also noted the importance of developing an evidence base of corruption and reported on corruption risk assessments undertaken in his country to reduce vulnerabilities to corruption.

7. Speakers also reported on legislative, regulatory and administrative mechanisms to prevent and detect conflicts of interest, including financial disclosures or asset and gifts declarations, which had proven to be useful tools in the detection and prosecution

of corruption and illicit enrichment, together with accompanying programmes of ethics education, training and guidance aimed at establishing a culture of integrity. Speakers further reported on measures undertaken towards the prevention of money-laundering and the confiscation of corruption proceeds, such as beneficial ownership transparency and steps to create registers of relevant beneficial ownership information.

8. Turning to other areas under chapter II, some speakers highlighted reforms in the area of public procurement, including e-procurement initiatives to make the public tendering process more efficient and transparent. Several speakers also highlighted reforms pertaining to access to information, information technology and open data, including the development of new laws coupled with procedures and administrative arrangements, such as monitoring mechanisms, inter-governmental coordination arrangements and action plans to implement the Open Government Partnership. The overall importance of inter-agency coordination in the prevention of corruption was highlighted and several speakers reported on institutional arrangements in this regard.

9. Speakers also highlighted important developments in the areas of reporting mechanisms, witness and whistle-blower protection, codes of ethics, as well as public sector reform programmes, such as those to enhance public services delivery and measures to strengthen recruitment and training of public officials, especially in areas considered vulnerable to corruption.

10. A number of speakers highlighted the important role of non-governmental stakeholders, in particular civil society, the private sector, academia and the media, in the prevention of corruption, underscoring their significance to national efforts to enhance integrity, accountability and transparency. Their valuable contribution to country reviews including in country visits was noted, together with other international efforts, such as the G20 Anti-Corruption Working Group, to support effective implementation of chapter II. Cooperation agreements to enhance regional and international cooperation to prevent and counter corruption were also referred to.

11. Several speakers described measures to create or strengthen specialized bodies to prevent and counter corruption and efforts to strengthen institutional mechanisms. For example, an expert group meeting had been held in July 2018 bringing together international experts to discuss how to promote and strengthen anti-corruption authorities and develop commentary on the Jakarta Principles for Anti-Corruption Agencies. Speakers noted that the above-referenced initiatives had led to a greater number of investigations and prosecutions being filed in the courts. A few speakers also reported on the establishment of specialized courts to hear corruption and economic crime cases, which had led to their swifter adjudication.

12. Some speakers highlighted measures taken to prevent corruption in the private sector, which had emerged as a priority area in the second cycle in terms of the number of recommendations issued under article 12 of the Convention and the absence of any identified good practices to date. One speaker suggested including the topic in the future work plan of the Working Group on Prevention. In the discussion, one speaker highlighted work that had been done to promote public-private partnerships under an integrity project involving several States with a special focus on the exchange of information in the public sector and the development of a communication platform. Another speaker highlighted the need for more data on how States had implemented article 12, to allow for further exchange of good practices.

13. In addressing the outcomes of the 2nd cycle review, one speaker reported on plans to conduct a public discussion to follow up on the review results, to encourage information exchange, to identify reform areas and to ensure that the recommendations are implemented promptly.

14. Speakers welcomed the exchange of experiences and good practices afforded through the country reviews and in the context of the subsidiary bodies of the Conference in these areas.